

without prejudice to or disclaimer of its subject matter, and the dependency of Claim 9 is amended accordingly. Claims 1 and 11 are amended to recite that the dye is at least one of an oil soluble dye and a disperse dye. Support for this amendment may be found in the specification at least at page 16, lines 23-24. It is submitted that no new matter has been added.

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Without conceding the propriety of this rejection, to expedite prosecution, Applicants have cancelled Claim 5. This rejection is therefore moot.

Claims 1-5 and 7-15 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by EP 130789 in view of the evidence in Takashima et al. (U.S. Patent No. 4,294,902). Applicants disagree with this rejection as applied to the claims as currently presented.

Before addressing the merits of the rejection, Applicants believe it will be helpful to review some features and advantages of the present invention. Claims 1 and 11 are amended to specify that the dye is an oil soluble dye and/or a disperse dye. Thus, the present invention as set forth in Claim 1 relates to an aqueous ink for ink-jet recording, comprising a colored resin particle dispersed in an aqueous medium, wherein the colored resin particle comprises a film forming resin to which at least one of an oil soluble dye and a disperse dye is sublimed

and penetrated, and wherein the film-forming resin is an acrylic resin. This ink provides the advantageous effects that ink-jet printed images having excellent coloring properties and scratch resistance can be formed on a recording medium.

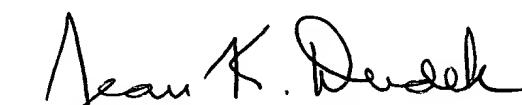
In contrast, EP 130789 discloses an ink-jet ink containing colored polymer particles as a colorant. The particles are prepared by coloring (1) a homopolymer of an ethylenically unsaturated sulfonic acid or its salt, or (2) a copolymer of an ethylenically unsaturated sulfonic acid or its salt with another ethylenically unsaturated monomer, using a basic dye. Since EP 130789 does not teach that dye is sublimed and penetrated into a polymer, the Examiner points out that Takashima et al. discloses Basic Blue 5 and Basic Yellow 2 (which are disclosed in EP 130789) to be subliming dyes, and takes the position that these dyes, as employed in EP 130789, are in fact sublimed to penetrate into the polymer. Applicants submit, however, that EP 130789 does not teach the colored resin particle employed in the present invention, which comprises a film forming resin to which at least one of an oil soluble dye and a disperse dye is sublimed and penetrated, nor does it suggest the advantageous effects obtainable thereby. Applicants therefore conclude that the present invention is not anticipated by EP 130789 taken in view of the evidence in Takashima et al..

Applicants submit that the cited references do not teach or suggest the invention as presently claimed, either singly or as combined by the Examiner. Reconsideration and withdrawal of the Section 102 rejection is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

1. (Twice Amended) An aqueous ink for ink-jet recording, comprising a colored resin particle dispersed in an aqueous medium, wherein the colored resin particle comprises a film-forming resin to which [a] at least one of an oil soluble dye and a disperse dye is sublimed and penetrated, and wherein the film-forming resin is an acrylic resin.

9. (Twice Amended) An ink cartridge comprising an ink container for containing the aqueous ink according to any of claims 1 to [5]4.

11. (Amended) A coloring material comprising colored resin particles which comprise a film-forming resin to which [a] at least one of an oil soluble dye and a disperse dye is sublimed and penetrated, and wherein the film-forming resin is an acrylic resin.